

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sung-hee HWANG et al.

Application No. 10/804,016

Group Art Unit: 2627

Confirmation No. 8198

Filed: March 19, 2004

Examiner: Jorge L. Ortiz Criado

For: METHOD OF MANAGING DEFECTS FOR A WRITE-ONCE RECORDING MEDIUM, REPRODUCING AND/OR RECORDING APPARATUS IMPLEMENTING THE SAME, A CORRESPONDING WRITE-ONCE RECORDING MEDIUM THEREFOR, AND MEDIUM INCLUDING COMPUTER READABLE CODE CONTROLLING THE IMPLEMENTATION OF THE SAME

PROPOSED COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed April 30, 2009.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, claim 1 recites, in part, "writing full flag information indicating that one temporary defect management area, of the plurality of temporary defect management areas, is exhausted to at least one of the remaining plurality of temporary defect management areas when the one temporary defect management area is exhausted."

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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Date: 7/22/09

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